

**Board of Selectmen's Meeting
Open Session Meeting Minutes
35 Central Street – Town Hall
1st Floor Hearing Room
May 24, 2016**

Members Present: Selectman Thomas Boussy, Selectwoman Caroline Colarusso, Selectwoman Ann Marie O'Neill, Selectman George Seibold, and Selectman Anthony Wilson

Also Present: Attorney William Solomon

Call to Order: Chairwoman O'Neill called the meeting to order at 7:00 p.m. (To view this meeting in its entirety go to Stoneham TV on Demand available from the Town's homepage at www.stoneham-ma.gov)

Agenda Item 1: Pledge of Allegiance

Agenda Item 2: MWRA- Fred Laskey (Time 00:39 on Stoneham TV on Demand) Mr. Laskey was not present at the meeting. Chairwoman O'Neill stated that Mr. Laskey sent a letter to the Board that was received May 24, 2016, and was full of misrepresentations. She stated that no one from the Board has reviewed the mitigation agreement. She continued that the Superintendent of Schools, Dr. Les Olsen, reached out to her to state that he had met with the MWRA in January, 2016, but no one has given him a draft agreement and that the School Committee has not discussed or voted on the staging matter.

Matter of Personal Preference: Selectman Seibold requested a matter of personal preference which was granted by Chairwoman O'Neill. He stated that he asked to have the trash matter placed on the agenda and was denied. He stated that he was all for the reduction, but that he wanted the DPW director to be present so that he could understand the long term effects of a reduction. He stated that his constituents wanted information and that he felt that the big belly barrel purchase had been voted on, but had not been on the agenda. He asked why the Chairwoman denied his request. Chairwoman O'Neill stated that the matter was on the previous agenda and that Selectman Seibold voted yes three times to reduce the trash fee. She suggested that Selectman Seibold to a motion and place the matter on the agenda. Selectman Seibold refused to make the motion stating that he did not feel he should have to make a motion to place an item on the agenda. Chairwoman O'Neill stated that the Board cannot keep revisiting every matter every week. Selectman Seibold stated that everyone else gets to put matters on the agenda and this is a pattern. Chairwoman O'Neill stated that she sees a pattern as well, stating that there were three votes to reduce the fee and Seibold voted yes three times. Selectman Seibold stated that he wanted the professionals to be present. Chairwoman O'Neill stated that the Town Accountant ran the numbers and Selectman Wilson made a presentation. Chairwoman O'Neill stated that there are twenty items on the agenda for the evening and that the Board cannot keep re-voting matters. Selectwoman Colarusso stated that the trash discussion was strictly financial. The fee was instituted because there was a deficit in the trash account. She

stated that the Town is in the essential services business, not the banking business and that the Town has an obligation to return the money to the taxpayers. Selectman Seibold stated he wanted to hear the long term effects from the experts. Selectman Seibold stated his constituents are not satisfied and want to hear from the experts. Chairwoman O'Neill stated that she does not place every constituent request on the agenda; She makes calls, sits at meetings, and sends emails. She stated that she would place this matter on a September agenda.

Agenda Item 4: Disability Committee Update – Sue Coughlin (Time 8:33 on Stoneham TV on Demand) Selectman Boussy moved to take Agenda Item 4 out of order. Selectman Wilson seconded the motion.

Voting in Favor:

Chairwoman O'Neill
Vice Chairwoman Colarusso
Secretary Wilson
Selectman Boussy
Selectman Seibold

Motion carries (5-0).

Sue Coughlin, the Chairwoman of the Disability Committee discussed the Committee's goal to make Town events more accessible to residents with disabilities. She stated that the Committee is making a profound impact on residents with disabilities. Coughlin stated that Town Clerk, Maria Sagarino, has been very helpful in their efforts to make voting more accessible. They have discussed access ramps, ASL interpreters, personal listening devices, closed captioning technology, and CART technology. Coughlin presented pictures from around Town where improvements could be made with respect to ramps, curb cuts, handicapped parking signs/space markings, elevator markings, playground access, and tripping and tipping hazards. She stated that Montvale Avenue is a major hazard because there is no sidewalk, placing those with disabilities directly in traffic. Coughlin also discussed that 1800 handicapped placards have been issued for the Town. This translates into a higher than average disabled population. She stated that parking is difficult and requested that the Board consider increasing the fine for parking in a handicapped spot without a placard from \$100 to \$200 and/or impose community service as part of the punishment.

Chairwoman O'Neill thanked Coughlin for her eye opening presentation and requested a prioritized to-do list. Coughlin added that the Disability Committee is conducting a survey regarding community needs, currently on the Town's website and at the Clerk's office, and would like to get statistics before prioritizing the list of needs. Selectwoman Colarusso stated that once the Board receives the list, it will forward the prioritized list to the Town Administrator. Selectman Boussy stated that level five items should receive priority and that sidewalks are a major concern. Selectman Wilson stated that some of the items on Coughlin's list seem like they could be fixed easily. Selectman Seibold asked which side of the library walkway requires a railing. Chairwoman O'Neill stated that there should be a bench on the library walkway. Selectman Wilson asked how the Board would address the fine issue. Town Counsel stated that increasing the fine would need to go before Town Meeting.

Agenda Item 3: Memorial Day Parade – Maureen Buckley and Kevin Cantwell (Time 41:20 on Stoneham TV on Demand) Selectman Boussy moved to hear Agenda Item 3 out of order. This motion was seconded by Selectman Wilson. Voted unanimously. Maureen Buckley, Chairwoman of the Memorial Day Parade Committee made a presentation regarding the events that have been scheduled for Memorial Day and Veteran’s Day including a parade and float contest, flag placement at Lindenwood Cemetery, three ceremonies, corner decoration, and a road race. She thanked the Board and the Town for its continued support. Kevin Cantwell, Vice-Chair of the Memorial Day Parade Committee described the walking stick program for veterans.

Agenda Item 5: Heritage Award – Marcia Wengen (Time 57:45 on Stoneham TV on Demand) Marcia Wengen, Co-chair of the Historical Commission described the “This Place Matters” campaign. Wengen also presented Stephen Rotondi with the Heritage Award, honoring his 27 years of service to the Historical Commission. Rotondi thanked Wengen and the Commission and wished them continued success.

Agenda Item 6: Approve Meeting Minutes/Executive Minutes (Time 68:03 on Stoneham TV on Demand) Selectman Boussy noted that because he recused himself from the Weiss Farm matter he would not be voting on any minutes concerning that matter. Per the direction of Attorney Solomon, Selectman Boussy removed himself from the table when the minutes from the executive sessions regarding Weiss Farm were being considered.

Chairwoman O’Neill moved to accept the executive session minutes of 12/28/15 as presented by Attorney Solomon. Selectwoman Colarusso seconded the motion. No other individuals who attended the meeting are still Board members. Both voted in favor. Motion passes.

Chairwoman O’Neill moved to accept the executive session minutes of 1/12/15 as presented by Attorney Solomon. Selectwoman Colarusso seconded the motion. No other individuals who attended the meeting are still Board members. Both voted in favor. Motion passes.

Chairwoman O’Neill moved to accept the executive session minutes of 3/15/16 as presented by Attorney Solomon. Selectwoman Colarusso seconded the motion. No other individuals who attended the meeting are still Board members. Both voted in favor. Motion passes.

Chairwoman O’Neill moved to accept the executive session minutes of 5/16/16 as presented by Attorney Solomon. Selectwoman Colarusso seconded the motion. Chairwoman O’Neill, Selectwoman Colarusso, and Selectman Wilson voted in favor. Motion passes.

Chairwoman O’Neill moved to accept the open meeting minutes of 12/18/16 as presented by Attorney Solomon. Selectwoman Colarusso seconded the motion. No other individuals who attended the meeting are still Board members. Both voted in favor. Motion passes.

Chairwoman O’Neill moved to accept the open meeting minutes of 2/12/16 as presented by Attorney Solomon. Selectwoman Colarusso seconded the motion. No other individuals who attended the meeting are still Board members. Both voted in favor. Motion passes.

Chairwoman O'Neill moved to accept the open meeting minutes of 3/15/16 as presented by Attorney Solomon. Selectwoman Colarusso seconded the motion. No other individuals who attended the meeting are still Board members. Both voted in favor. Motion passes.

Chairwoman O'Neill moved to accept the open meeting minutes of 5/16/16 as presented by Attorney Solomon. Selectwoman Colarusso seconded the motion. Chairwoman O'Neill, Selectwoman Colarusso, and Selectman Wilson voted in favor. Motion passes.

Chairwoman O'Neill moved to accept the open meeting minutes of 2/23/16 as presented by David Ragucci. Selectwoman Colarusso seconded the motion. O'Neill noted that her name is misspelled in the minutes. Attorney Solomon noted that the record should show that a roll call vote was taken to move into executive session and that Selectman Boussy did not vote on the matter as he has abstained from the Weiss Farm matter. No other individuals who attended the meeting are still Board members. Both voted in favor. Motion passes.

Chairwoman O'Neill moved to accept the open meeting minutes of 2/4/16 as presented by David Ragucci with the correction of the spelling of her last name. Selectwoman Colarusso seconded the motion. Chairwoman O'Neill, Selectwoman Colarusso, and Selectman Boussy voted in favor. Motion passes.

Chairwoman O'Neill moved to accept the executive meeting minutes of 2/4/16 as presented by David Ragucci with the correction of the spelling of her last name. Selectwoman Colarusso seconded the motion. Chairwoman O'Neill, Selectwoman Colarusso, and Selectman Boussy voted in favor. Motion passes.

Chairwoman O'Neill moved to accept the open meeting minutes of 2/4/16 as presented by David Ragucci with the correction of the spelling of her last name. Selectwoman Colarusso seconded the motion. Chairwoman O'Neill, Selectwoman Colarusso, and Selectman Boussy voted in favor. Motion passes.

Chairwoman O'Neill moved to accept the open meeting minutes of 2/16/16 as presented by Attorney Solomon. Selectwoman Colarusso seconded the motion. Chairwoman O'Neill, Selectwoman Colarusso, and Selectman Boussy voted in favor. Motion passes.

Chairwoman O'Neill moved to accept the open meeting minutes of 3/3/16 as presented by Attorney Solomon. Selectwoman Colarusso seconded the motion. No other individuals who attended the meeting are still Board members. Both voted in favor. Motion passes.

Chairwoman O'Neill moved to accept the open meeting minutes of 3/8/16 as presented by David Ragucci with the correction of the spelling of her last name. Selectwoman Colarusso seconded the motion. No other individuals who attended the meeting are still Board members. Both voted in favor. Motion passes.

Selectman Boussy moved to accept the executive meeting minutes of 3/8/16 as presented by David Ragucci with the correction of the spelling of Chairwoman O'Neill's name. Selectwoman

Colarusso seconded the motion. Chairwoman O'Neill, Selectwoman Colarusso, and Selectman Boussy voted in favor. Motion passes.

Chairwoman O'Neill moved to accept the open meeting minutes of 3/22/16 as presented by David Ragucci with correction of the spelling of her name. Selectwoman Colarusso seconded the motion. No other individuals who attended the meeting are still Board members. Both voted in favor. Motion passes.

Chairwoman O'Neill moved to accept the open meeting minutes of 5/3/16 as presented by David Ragucci with correction of the spelling of her name. Selectwoman Colarusso seconded the motion. No other individuals who attended the meeting are still Board members. Both voted in favor. Motion passes.

Selectman Boussy moved to accept the open meeting minutes of 3/15/16 as presented by Dava Kilbride. Selectwoman Colarusso seconded the motion. Unanimous vote. Motion passes.

Selectman Boussy moved to accept the open meeting minutes of 4/26/16 as presented by Dava Kilbride. Selectman Wilson seconded. Unanimous vote. Motion passes.

Selectman Wilson stated that edited minutes of 5/10/16 were distributed today. Chairwoman O'Neill states that she will place them on the next agenda so that the Board can review the minutes. Selectman Boussy states that under Agenda Item 8, the minutes should read that "MIAA directed the Town Administrator."

Agenda Item 7: Application for Phillips Street Block Party (Time 79:35 on Stoneham TV on Demand) Selectman Colarusso moved to approve this application. Selectman Boussy seconded the motion.

Voting in Favor:

Chairwoman O'Neill
Vice Chairwoman Colarusso
Secretary Wilson
Selectman Boussy
Selectman Seibold

Motion carries (5-0).

Agenda Item 8: Liquor Licensing Authority (Time 80:24 on Stoneham TV on Demand) Selectman Boussy moved the Board to enter into the Liquor Licensing Authority and reconvene and the Board of Selectmen. Selectman Seibold seconded this motion. A roll call vote was taken.

Voting in Favor:

Chairwoman O'Neill
Vice Chairwoman Colarusso
Secretary Wilson
Selectman Boussy

Selectman Seibold

Motion carries (5-0).

Agenda Item 8a: Special Alcoholic Beverage License – Cambridge 5K (Time 80:44 on Stoneham TV on Demand) Ed O'Connor was present to represent the Cambridge 5K. The 5K event is scheduled to take place on July 9, 2016. It is a trail race to benefit the Stoneham Senior Center and the Friends of the Fells. They seek permission to serve beer from 7:30 p.m. – 10:30 p.m. Selectman Seibold moved to approve the Special Alcoholic Beverage License. The motion was seconded by Selectman Wilson. A roll call vote was taken.

Voting in Favor:

Chairwoman O'Neill
Vice Chairwoman Colarusso
Secretary Wilson
Selectman Boussy
Selectman Seibold

Motion carries (5-0).

Agenda Item 8b: Special Alcoholic Beverage License – St. Patrick's Parish (Time 84:40 on Stoneham TV on Demand) This matter was placed on the next agenda.

Selectman Boussy moved to return to the Board of Selectmen. Selectwoman Colarusso seconded the motion. A roll call vote was taken.

Voting in Favor:

Chairwoman O'Neill
Vice Chairwoman Colarusso
Secretary Wilson
Selectman Boussy
Selectman Seibold

Motion carries (5-0).

Agenda Item 9: Road Closures for Town Day (Time 85:08 on Stoneham TV on Demand)

Chairwoman O'Neill stated that Town Day would be held on September 17, 2016, from 11:00 a.m. to 4:00 p.m. and that the Board closes the roads surrounding the event every year. Selectwoman Colarusso moved to make the requested closings. Selectman Boussy seconded this motion.

Voting in Favor:

Chairwoman O'Neill

Vice Chairwoman Colarusso
Secretary Wilson
Selectman Boussy
Selectman Seibold

Motion carries (5-0).

Agenda Item 10: Stockwell Trust (Time 85:55 on Stoneham TV on Demand) Selectman Colarusso read a letter from the Board of Health requesting that \$3176.60 from the Stockwell Trust be used to purchase 20 doses of Prevnar 13. Selectman Colarusso moved to make application to the Stockwell Trust for the purchase of Prevnar 13. Selectman Seibold seconded this motion.

Voting in Favor:

Chairwoman O'Neill
Vice Chairwoman Colarusso
Secretary Wilson
Selectman Boussy
Selectman Seibold

Motion carries (5-0).

Agenda Item 11: Procedures/Prioritization for Potholes and Street Lights (Time 89:06 on Stoneham TV on Demand) Bob Grover, Director of DPW, discussed the process by which complaints are logged and prioritized at DPW. He stated that all calls are placed on a complaint log. Each complaint is then evaluated and prioritized. He stated that he considers the repaving schedule when a complaint comes in involving a sidewalk/street. He also stated that when the DPW is paving a large area, whatever is left from the mix will then be used for potholes from the prioritized list. Selectman Boussy asked how the pothole issue in Town is being addressed. Mr. Grover stated that after the spring rush, DPW dedicates one day a week to filling potholes and that is why he wanted the Board to authorize him to re-hire the summer employees. Mr. Grover then stated that the Town Administrator told him that the summer employees had to stop working because the Board wanted to approve them. Chairwoman O'Neill stated that the Board wanted to approve the summer interns that the office staff requested to ensure that there are specific projects for them to work on, but that the DPW, historically has summer employees and that they are entirely separate from the internship program. She asked Mr. Grover if the summer employees had been hired and told to stop working. Grover stated that they had. Chairwoman O'Neill instructed him to have the summer employees start working again. Selectman Boussy asked about a way that we could attack all of the worst holes in Town. Grover stated that they have to do it by quadrant based on police details, equipment, and mix. He stated that they have to group the complaints so that resources can be best utilized. Selectwoman Colarusso asked if the DPW is restricted in their use of Chapter 90 funds when it comes to sidewalk paving. Grover said that as long as the DPW paves an entire street or they purchase equipment, he can use

Chapter 90 funds for sidewalks. Selectman Seibold asked if the priority list included consideration of most travelled roads. Grover answered that it does.

Selectwoman Colarusso stated that the DPW needs a more comprehensive and diversified approach to paving where, instead of paving a street and leaving a sidewalk, they seek multiple sources of revenue to complete entire sections and use Chapter 90 money in conjunction with other sources. Selectman Boussy asked how to address whole streets. Grover stated that the issue that needs to be addressed is whether the DPW works on one street with sidewalks and curbs, or if they do several streets and go back at another time for sidewalks.

Chairwoman O'Neill asked Grover to put the street and pothole list on the website so that people can see where they are on the priority list. Grover stated that when the items on the complaint log are completed they could also go on the website. Selectman Wilson stated that DPW is the third most visited location on the Town's website. Grover stated that there are currently 275 requests for sidewalk repairs. The question is always whether to wait until there are many complaints, repair one side of the street, or repair/replace the entire sidewalk. He stated that he could create a menu where the repairs were listed with material options and options for repair/replacement which would allow some choice.

Selectman Seibold stated that there are a lot of complaints about trees and sidewalk lifting. Grover stated that it is a difficult process to remove a Town owned tree.

Public Member Bob Verner spoke about a street light that has been out for 10 years near Colonial Park. Grover stated that the Town owns all of the street lights now. Some repair work is underground and they need Eversource's assistance. Chairwoman O'Neill stated that they could make it a condition that Eversource cannot start borings until the street lights are repaired. The DPW was directed to provide an updated list of streetlights that need to be repaired at the base, forward it to Attorney Solomon who would, intern, forward it to Eversource with direction to repair prior to boring. Public Member Joan LeMeir stated that Eversoure also needs to remove the double poles. Selectman Wilson stated that, regardless of the utility still using double poles, Eversource should own the process and do what it needs to do to remove the double poles.

Agenda Item 12: 90th Birthday Proclamation – Vincent Zampell (Time 140:56 on Stoneham TV on Demand) Selectman Seibold read a proclamation in honor of Vincent Zampell's 90th birthday.

Agenda Item 13: Main Street – parking, painting, lighting, future improvements (Time 142:50 on Stoneham TV on Demand) Selectman Boussy stated that the contract for the painting of the parking spaces in the downtown area should be completed in the next few weeks. Selectman Wilson asked if the painting would include handicapped spaces. Grover stated that if something is missed the Board should let him know. Selectman Boussy stated that the 15 minute parking signs are in bad condition. Chairwoman O'Neill stated that some signs need to be replaced because of fading. Grover stated that sign replacement is a perfect rainy day project and they should report anything they see that needs to be replaced.

Agenda Item 14: Acceptance of Donation from Mikes's Landscaping (Time 146:40 on Stoneham TV on Demand) Selectman Boussy stated that Mike's Landscaping, the landscaper that installed the irrigation system in the islands, has adopted the Main Street island and donated the cost of his labor to buy plants and maintain the islands. This is approximately \$60,000 in plants and maintenance. Selectman Boussy also stated that Cassidy Brothers has donated the labor and materials to complete the whiskey barrels. Selectman Boussy moved to accept the donation from Mike's Landscaping. Selectman Wilson seconded this motion.

Voting in Favor:

Chairwoman O'Neill
Vice Chairwoman Colarusso
Secretary Wilson
Selectman Boussy
Selectman Seibold

Motion carries (5-0).

Selectman Boussy moved to accept the donation from Cassidy Brothers. Selectman Seibold seconded the motion.

Voting in Favor:

Chairwoman O'Neill
Vice Chairwoman Colarusso
Secretary Wilson
Selectman Boussy
Selectman Seibold

Motion carries (5-0).

Agenda Item 15: Collins Center – Interim Town Administrator (Time 152:45 on Stoneham TV on Demand) Selectman Boussy stated that it may take until the end of September for the Screening Committee to make a recommendation and for the Board to hire a new Town Administrator and that the Town needs to hire an interim TA to take care of daily business. Selectman Seibold stated that under no circumstances should the interim TA be permitted to make or negotiate contracts. Selectman Boussy moved to allow the Collins Center to provide a list of interim or temporary Town Administrators. Selectman Wilson seconded the motion.

Voting in Favor:

Chairwoman O'Neill
Vice Chairwoman Colarusso
Secretary Wilson
Selectman Boussy

Voting Against:

Selectman Seibold

Motion carries (4-1).

Agenda Item 16: Bike and Greenway Update (Time 155:48 on Stoneham TV on Demand)

Selectman Wilson stated that the Town has finished all of the work that it needed to do with respect to the project. Unfortunately, a resident has appealed based on environmental concerns. He stated that he DEP has an independent branch to review this type of appeal and that it found some of Winchester's concerns to be valid. He stated that Winchester has the information it needs to proceed and the DEP will issue a new Order of Conditions. Winchester is expected to complete its requirements by early September. Wilson stated that the project expected to go out to bid and begin construction by next year. Selectman Boussy asked if there were funding concerns. Wilson stated that there are always concerns when a project gets to this point and he continues to get updates from Senator Lewis and Representative Day.

Agenda Item 17: Open Meeting Law Complaint (Time 158:24 on Stoneham TV on Demand)

Attorney Solomon stated that Board received a determination of noncompliance with the Open Meeting Law. He stated that the initial focus was not a request for minutes. He believes that important, factual aspects of the matter were overlooked by the Attorney General. He stated that as soon as the Board received the minutes from the Town Administrator, they were voted on, approved, and a copy was provided to the complainant. Solomon stated that he recommends that the Board file a motion for reconsideration in light of the facts surrounding this matter, and that it was not a failing of the Board, but of the individual writing the minutes. Even if the opinion does not change, perhaps the facts will be outlined with more clarity. Selectman Seibold asked who should take the minutes if the Board's secretary is not at the meeting. Solomon stated that either he or the Town Administrator take minutes because it is difficult to participate in a meeting and take minutes. He also stated that the letter does state that there was a staffing challenge and that the Board took appropriate steps once it received the minutes. Selectman Seibold asked about how to deal with this moving forward. Chairwoman O'Neill stated that it is the Secretary's responsibility to ensure that minutes are taken in her absence.

Agenda Item 18: Town Administrator (Time 172:20 on Stoneham TV on Demand) The Town Administrator was not present.

Agenda Item 19: Miscellaneous (Time 176:00 on Stoneham TV on Demand)

Selectman Boussy stated that the 1-800-got-junk signs on public property needed to be removed. Selectwoman Colarusso expressed her well wishes to the graduating class of 2016. Selectman Boussy reminded the Board members that the TIF agreement needed to be executed. Attorney Solomon stated that he received and made changes to the agreement.

Agenda Item 20: Executive Session (Time on Stoneham TV on Demand)

Selectwoman Colarusso made a motion to adjourn to executive session to discuss strategy with respect to appealing the Open Meeting Law determination/order of the Attorney General's office dated May 10, 2016, and not to return to open session.

Voting in Favor:

Chairwoman O'Neill

Vice Chairwoman Colarusso
Secretary Wilson
Selectman Boussy
Selectman Seibold

Motion carries (5-0).

Meeting adjourned at 9:57 p.m.

Respectfully submitted,

Dava Feltch Kilbride
Secretary to the Board of Selectmen